



Report of the Cabinet Member for Education & Learning

Cabinet – 15 June 2023

Maximising EOTAS Provision for Vulnerable Learners in Swansea

Purpose:	To address the gaps in the current provision for vulnerable learners in Swansea and use available resources more equitably to meet the needs of all learners requiring education otherwise than at school.
Policy Framework:	Education Otherwise than at School (EOTAS) framework for action, Welsh Government 2017.
Consultation:	Access to Services, Finance, Human Resources, Legal.
Recommendation(s):	It is recommended that: 1) A consultation is undertaken by the Head of the Vulnerable Learners Service, in consultation with the Management Committee of Maes Derw Pupil Referral Unit and other relevant stakeholders, to consider reorganising the current PRU internally to maximise opportunities to meet the broader needs of pupils across Swansea. 2) Following the consultation, a further report will be prepared for Cabinet with the results of the consultation, for a decision to be made on how to proceed.
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1. Introduction

- 1.1 In 2016, Swansea Cabinet approved recommendations proposing a complete overhaul of Education Otherwise than at School (EOTAS) services in Swansea.

- 1.2 Recommendations included agreement for a purpose-built pupil referral unit (PRU) that has now been completed and is fully operational, known as Maes Derw. In addition, the recommendation to devolve £700k to secondary schools to focus on providing social emotional behavioural difficulties (SEBD) provision for learners in Key Stage 4 to remain in mainstream in education was approved by Cabinet.
- 1.3 The intention of the proposals was that the PRU significantly reduced capacity in recognition of increased devolution of funding and responsibility to schools. The needs of the majority of learners with SEBD should be met through mainstream education, with central provision only being made for those learners with the most severe SEBD needs. This has happened but the unintended consequences are complex challenges due to the needs of the cohorts.
- 1.4 Maes Derw currently has 158 available places and a budget in FY 23-24 of £3,557,600.
- 1.5 In addition to Maes Derw, EOTAS provision in Swansea also includes home tuition delivered via the Home Tuition Service. Numbers of learners receiving home tuition by the Vulnerable Learner Service have risen steadily during the last five years and include a number of learners, subject to recommendations within this report, who will access resources at Maes Derw in future.
- 1.6 Since 2016, there have been significant changes and developments which have impacted on learners in Swansea. The needs of learners have changed. A flexible approach in adapting to meet the presenting and emerging needs of children, and young people with SEBD is now required.
- 1.7 It is not possible for a PRU, such as Maes Derw, operating within Welsh Government expectations to meet the needs of all of these children and young people (CYP).
- 1.8 This report makes recommendations to address the gaps in the current provision for vulnerable learners in Swansea and use the funding allocated more equitably to meet the needs of all learners requiring education otherwise than at school.

2. Changes since 2016

- 2.1 Since 2016 there has been a national increase in the number of CYP who are neurologically diverse. These learners can respond to their environments in ways which can be interpreted as challenging behaviours but a change in environment could support these CYP to maximise their opportunities to learn and minimise difficult behaviours.

- 2.2 There have been key developments since 2016 also impacting on provision for learners. The Additional Learning Needs and Inclusion Team (ALNIT) have led on the completion of a transformation strategy to implement the aims of the ALNET Act 2018. The act aims to transform the way in which support for learners with additional learning needs is delivered.
- 2.3 The Education Directorate has also responded to Covid19 and the significant implications of the recovery from the pandemic. One of the noticeable and emerging impacts of the pandemic are the increase in CYP with mental health and anxiety.
- 2.4 There has been an increase both locally and nationally in behaviours which have led to increasing exclusions.
- 2.5 Maes Derw has reported for a number of years that there are significant challenges in managing pupils' needs on a daily basis. It was hoped the significant financial investment, new build, new staffing structure and improved curriculum offer would address this, but this has not been the case due to the complexity of needs.
- 2.6 Numbers in the PRU have reduced as intended. Maes Derw is not full in Key Stage 4. While other areas are operating at, or near to, capacity, attendance is low, exclusions are high and reintegration rates are low. Staffing ratios are high.

3. Challenges with the 2016 operating model

- 3.1 Welsh Government guidance makes it clear that PRUs should operate on a reintegration model and not provide a long-term provision for CYP with additional learning needs. Maes Derw follows this model as expected by the 2016 report.
- 3.2 The effectiveness of mainstream schools to manage the needs of CYP means that a reintegration model does not best meet the needs of many of the learners who are referred to EOTAS provision. Reintegration rates from the PRU back to schools are low.
- 3.3 A number of learners placed by the Additional Learning Needs panel in Maes Derw have been unable to start the placement as they do not meet the criteria of Maes Derw, namely, they have an additional learning need resulting in their SEBD rather than SEBD without a long-term additional learning need.
- 3.4 Of those learners who have been able to start placement following recommendation by the ALN panel a number are considered by Maes Derw to be inappropriately placed which has created challenges in meeting their needs.

3.5 Maes Derw's current provision is restricted by PRU Regulations requiring it to operate on a reintegration model and without the exemptions made for SEBD special schools. The PRU curriculum is designed for reintegration.

4. Steps taken to address the conflict between changing need and current operating model.

4.1 Since 2016, the recommendations of the 2016 report have been realised. There is a purpose built PRU with completely overhauled staffing and curriculum. Investment of £10M in the new building and current £3,557,600 annual budget. In FY 2022-2023, the PRU budget was overspent.

4.2 The transformation to the new build, staffing structure and curriculum was expected to meet the needs of learners with the most severe SEBD but that has not been the case for the reasons outlined above.

4.3 To address the concerns in relation to learners with ALN resulting in SEBD who were unable to access the PRU provision the ALN Team worked with Birchgrove Comprehensive School to establish Tŷ Fedw. Tŷ Fedw is a specialist provision for CYP who have a Statement of Special Educational Need along with Social Emotional Behavioural Difficulties (SEBD) and who may be on the Autistic Spectrum (ASD). Tŷ Fedw is established on a similar basis to a Specialist Teaching Facility (STF). There are four part time places. This provision is currently full and considered effective in meeting the needs of the CYP who attend.

4.4 A primary provision is in the process of being established, based on the Tŷ Fedw model. This provision will be based at Clwyd Primary School and meet the needs of those primary age children with SEBD who are not able to access Maes Derw due to the nature of their ALN.

4.5 A Hard to Place Group was established in response to concerns raised by Maes Derw around both registration practices and a cohort of CYP the PRU were expected to work with. While the registration issues were resolved the group had limited success in identifying longer term solutions as there was a gap in provision.

4.6 A Team Around the PRU was established as a multi-agency problem solving group to try and resolve the challenges Maes Derw was facing. There was extensive engagement from multi agency partners and additional support was offered from Child and Family Services including a Contextualised Missing Exploited and Trafficked (CMET) referral.

4.7 As part of the ongoing STF review it has been identified that the Local Authority could further develop and enhance provision for learners who are neurologically diverse but cognitively able. Both mainstream and specialist teaching provision should be adapted effectively to create learning environments which are more appropriate and supportive for

these learners and the Additional Learning and Inclusion Team have a strategy in place to undertake this work.

- 4.8 It has also been necessary to create additional provision for a number of learners who have been either been allocated places at Maes Derw or would meet the criteria for Maes Derw but are unable to access those places as Maes Derw are concerned about the risk they pose within the Maes Derw cohort. The Pupil Support Team have appointed Engagement Officers who collaborate with schools and external agencies to design bespoke EOTAS packages. £150k has been diverted from the Maes Derw budget to fund this work as the learners concerned are those who meet PRU criteria.
- 4.9 Despite all of these interventions, new provision and investment the PRU are still reporting regular incidents of violence and aggression placing staff and learners at risk. This is regularly reported to the Management Committee and Head of Service but all potential solutions offered to date have not resolved the issues. HS3 forms acknowledge incidents occur despite high staff pupil ratios.
- 4.10 ALN Panel chairs report that considerations by the panel for places in Maes Derw are regularly responded to with concerns primarily citing health, safety and wellbeing concerns with current and proposed cohorts.
- 4.11 Satellite provisions (Tŷ. Fedw, Clwyd, Pupil Support Team) are able to meet the needs of the learners, providing evidence that appropriate provision can be made. However, they have been established on a responsive basis and an accompanying strategy and governance mechanism is needed.

5. Proposed further steps to be undertaken

- 5.1 To further maximise opportunities for CYP with social, emotional and behavioural difficulties (SEBD) it is proposed that the Maes Derw building must be used more flexibly to provide a centre for the Vulnerable Learners Service. These arrangements will be made via consultation with the Management Committee and wider stakeholders. The aim will be to coordinate bespoke packages for CYP and provide specialist in reach / outreach provision for learners with longer term ALN.
- 5.2 Better monitoring of CYP educated other than at school can be achieved by using a digital resource that will allow for improved tracking of learners' progression and we intend to implement this from September 2023.
- 5.3 The chairing arrangements for the EOTAS panel will be reviewed to better reflect the broader EOTAS offer and to ensure greater independence from the provision by January 2024.

5.4 The LA will review the Instrument of Government with the Management Committee. This is underway.

6. Timeline

6.1 Subject to agreement of this report it is proposed that the consultation to decide whether or not to reorganise the internal provision at the PRU is finalised within 12 weeks of Cabinet's decision.

6.2 October 2023 (to allow for the school holiday period to be excluded from the consultation period)

7. Staffing Implications

7.1 There may be an impact for staffing structures in Maes Derw although some posts are currently vacant and filled by agency staff or staff on temporary contracts which will reduce impact. There may be a requirement for a few posts to cease or to be redistributed.

7.2 There may be a requirement to review some job descriptions which may be subject to the Job Evaluation process.

7.3 There will need to be a phased approach to any changes in order to allow current learners to transition appropriately. There should be no negative implications for current learners. The intention is to improve the provision.

7.4 Where staff are affected, a full consultation process will be undertaken with staff and Trade Unions under the appropriate policy.

8. Integrated Assessment Implications

8.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 8.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 8.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 8.2 In order to comply with the relevant regulations an IIA Screening Form has been completed with the agreed outcome that a full IIA report was not required because at this stage the report is seeking permission to consult. The engagement process required should that permission be granted will require a full integrated impact assessment and it is proposed that is completed submitted with the outcome of the consultation.
- 8.3 The UNCRC is relevant to this report as Maes Derw is a key resource and service for vulnerable children and young people. It is considered that the improvements this report advocates for will support the Council's commitment to the UNCRC.
- 8.4 Welsh Language Standards have been considered and again, any improvements resulting from this consultation will aim to strengthen the Council's commitment to the Welsh language.

9. Financial Implications

- 9.1 It is recognised that any potential reorganisation will need to be delivered within the current budget envelope and consider the requirement to make a £140k saving within the EOTAS budget. There is no request for additional funding.
- 9.2 Reorganising Maes Derw and ensuring learners are appropriately placed creates a potential to reduce costs in relation to staffing, transport and use of external providers.
- 9.3 Establishing a central in reach/outreach provision in Maes Derw and using the building as a hub for the Vulnerable Learners Service and its partners will make better use of existing resource rather than seeking new.
- 9.4 A digital resource, The Virtual School, already exists and set up costs have been provided via grant funding. It is anticipated that costs to establish new groups are minimal and can be met from existing budget.

10. Legal Implications

- 10.1 A Pupil Referral Unit (PRU) is a type of school established by a Local Authority (LA) which has a duty to provide suitable education for children and young people who, by reason of illness, exclusion or otherwise, may not receive such education in a mainstream school.
- 10.2 It is the responsibility of the LA to maintain PRUs and to ensure they are suitably resourced and organised to provide a high standard of education.
- 10.3 The Education (Pupil Referral Unit) (Management Committees etc.) (Wales) Regulations 2014 and the accompanying guidance will need to be followed to ensure that any provision has an appropriately constituted management committee and instrument of government.
- 10.4 While not directly applicable to pupil referral units, the School Organisation Code 2013 provides guidance as to the considerations to be had when making changes to school organisation and how consultations should be undertaken.

Background Papers:

[EOTAS Report 2016](#)

Appendices:

Appendix A – IIA Screening Form